

NEW SECTION

WAC 16-403-004 Purpose. The purpose of this chapter is to provide for the fair and orderly marketing of fresh apples in the state of Washington by establishing uniform grades and standards and by providing for the inspection of these products.

NEW SECTION

WAC 16-403-014 Definitions. **"Aggregate"** means the gathering together of separate areas into one mass for the purpose of comparison to determine the extent affected.

"Clean" means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

"Diameter." When measuring for minimum size, diameter means the greatest dimension of the apple measured at right angles to a line from stem to blossom end. When measuring for maximum size, diameter means the smallest dimension of the apple determined by passing the apple through a round opening in any position.

"Fairly tight" means that the apples are the proper size for molds or cell compartments in which they are packed and the molds or cells are filled in such a way that no more than a slight movement of apples within the molds or cells is possible.

"Fairly well filled" means that the net weight of the apples in containers ranging from 2,100 to 2,900 cubic inches capacity is not less than thirty-seven pounds for Jonathan, McIntosh, and Golden Delicious varieties and not less than forty pounds for all other varieties.

"Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

"Firmness terms." The following terms are used for describing different stages of firmness of apples:

"Hard" means apples with a tenacious flesh and starchy flavor.

"Firm" means apples with a tenacious flesh but which are becoming crisp with a slightly starchy flavor, except the Delicious variety.

"Firm ripe" means apples with crisp flesh except that the flesh of the Rome Beauty or similar varieties may be slightly mealy.

"Ripe" means apples with mealy flesh and soon to become soft for the variety.

"Fruit weight." When measuring for minimum weight as a designation of fruit size, the individual apple must meet the minimum weight designation as marked on the container or package.

"Mature" means that the apples have reached the stage of development which will ensure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process.

"Overripe" means apples which have progressed beyond the stage of ripe, with flesh very mealy or soft, and past commercial utility.

"Principal display panel" means the end or side panels, exclusive of tops and bottoms of a container for which all required markings must be placed together to comply with this regulation.

"Well formed" means having the normal shape characteristic of the variety, except that the shape may be slightly irregular provided it does not more than slightly detract from the appearance of the apple.

"Worm hole" means a puncture or hole caused by an insect that is one-eighth inch or more in depth.

"WSDA" means the Washington state department of agriculture and its director.

NEW SECTION

WAC 16-403-024 Adoption of Washington state standards for grades of apples. Washington state standards apple grades for extra fancy and fancy, except the Fuji variety, must be equivalent to or better than the U.S. standards for U.S. extra fancy and U.S. fancy grades of apples, 7 C.F.R. Sec. 51.300 et seq., in effect as of December 19, 2002. Apples meeting the foregoing grades may be marked either with the proper Washington or U.S. grade, or both. In no case may the Washington grade and condition requirements be interpreted as less than the standards required by the applicable U.S. standards for grades for the comparable Washington grade and variety.

NEW SECTION

WAC 16-403-034 General standards for Washington grades. General standards for Washington grades shall apply to apples of one variety (except when more than one variety is printed on the container) which must meet the following standards in addition to standards specific to each Washington grade:

(1) The apples must be mature but not overripe, clean, fairly well formed, and free from decay, internal browning, internal breakdown, brown surface discoloration, scab, freezing injury, visible water core, broken skins, and bruises, except those which are slight and incidental to proper handling and packing; and

(2) The apples must be free from damage by invisible water core after January 31st of the year following the year of production except for the Washington C grade.

(3) Invisible water core is not a quality factor of the Fuji variety at any time of the year.

(4) Apples of the red, partial red or blushed varieties must meet the color requirements specified for the variety in WAC 16-403-064.

NEW SECTION

WAC 16-403-044 Washington extra fancy grade standards for red, partial red or blushed variety apples. In addition to meeting the general standards under WAC 16-403-034, Washington extra fancy grade red, partial red, or blushed variety apples must be free from injury

as specified in WAC 16-403-164(1) and 16-403-174(1) and damage as specified in WAC 16-403-164(2) and 16-403-174(2).

NEW SECTION

WAC 16-403-054 Washington fancy grade standards for red, partial red or blushed variety apples. In addition to meeting the general standards under WAC 16-403-034, Washington fancy grade red, partial red, or blushed variety apples must also be free from damage as specified in WAC 16-403-164(2) and 16-403-174(2).

NEW SECTION

WAC 16-403-064 Color requirements. (1) Faded brown stripes may not be considered as color.

(2) The color requirements for any variety may not be less than those required under the United States standards for the varieties and the respective variety grades of apples under 7 C.F.R. Sec. 51.305 (effective December 19, 2002), which color standards are incorporated by reference.

(3) Solid red varieties: The color percentage requirement stated below refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety. However, an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade, subject to the limitations set forth below.

Color shade percentages for solid red varieties.

Variety	Extra Fancy Good Shade Percent	Extra Fancy Lighter Shade Percent	Fancy Good Shade Percent	Fancy Lighter Shade Percent
Beacon	33 1/3	33 1/3	15	15
Empire	50	66	33	40
Idared	66	66	40	40
Spartan	50	66	33	40
Jonathan	50	66	33	40
Melrose	66	66	40	40
Red Delicious	66	66	40	40
Red Rome	66	66	40	40
Spartan	66	66	40	40
Winesap	66	66	40	40
Other similar varieties	50	66	33	40
Red sport varieties	66	66	40	40

(4) Striped red varieties:

The percentage stated refers to the area of the surface in which stripes of a good shade of red characteristic of the variety predominate over stripes of lighter red, green or yellow. However, an apple

having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade, subject to the limitations set forth below.

Color requirements for striped or partial red varieties.

Variety	Extra Fancy Good Shade Percent	Extra Fancy Lighter Shade Percent	Fancy Good Shade Percent	Fancy Lighter Shade Percent
Akane	33 1/3	33 1/3	15	15
Cameo	33 1/3	33 1/3	15	15
Cortland	50	50	33	33
Delicious	50	50	25	25
Red Fuji	50	50	33	33
Red Gala	50	50	33	33
Honeycrisp	33 1/3	33 1/3	15	15
Jonamac	50	50	33	33
Liberty	33 1/3	33 1/3	15	15
Early McIntosh	33 1/3	33 1/3	15	15
McIntosh	35	50	15	33
Nittany	25	25	10	10
Rome	35	50	15	33
Rome Beauty	50	50	33	33
Starkrimson	33 1/3	33 1/3	15	15
Stayman	50	50	33	33
Tydemar Red	33 1/3	33 1/3	15	15
Winesap	50	50	25	25
York	50	50	33	33
Other similar varieties	50	50	25	25

(5) Red cheeked or blushed varieties.

(a) Blush cheek means at least ten percent of the surface has blush color characteristic of the variety.

(b) Tinge of color means the apples has any amount of the surface area of blush type color which predominates over the background color of the apple.

(c) Color requirements for red cheeked or blushed varieties:

Variety	Extra Fancy Percent	Fancy Percent
Ambrosia	Blush cheek	Tinge of color
Arlet or Swiss Gourmet	Blush cheek	Tinge of color
Braeburn	Blush cheek	Tinge of color
Envy	Blush cheek	Tinge of color
Elstar	Blush cheek	Tinge of color
Fuji	Blush cheek	Tinge of color
Gala	Blush cheek	Tinge of color
Gala Supreme	Blush cheek	Tinge of color
Royal Gala	Blush cheek	Tinge of color
Blushing Golden Delicious	Blush cheek	Tinge of color

Variety	Extra Fancy Percent	Fancy Percent
Jazz	Blush cheek	Tinge of color
Jonagold	Blush cheek	Tinge of color
Lady Alice	Blush cheek	Tinge of color
Molleys Delicious	Blush cheek	Tinge of color
Pacific Rose	Blush cheek	Tinge of color
Pinata	Blush cheek	Tinge of color
Pomona	Blush cheek	Tinge of color
Sonata	Blush cheek	Tinge of color
Sonya	Blush cheek	Tinge of color
Swiss Gourmet or Arlet	Blush cheek	Tinge of color
Other similar varieties	Blush cheek	Tinge of color

NEW SECTION

WAC 16-403-074 Washington extra fancy standards for green or yellow varieties. Washington green or yellow variety extra fancy apples must meet the following standards in addition to meeting the general standards under WAC 16-403-034. The apples must be free from:

(1) Slightly rough and rough russeting: Provided, that russeting other than rough or bark-like russeting materially affecting the appearance of the apple may be permitted in the stem cavity or calyx basin if it cannot be seen when the apple is placed stem end and calyx end down on a flat surface.

(2) Injury as specified in WAC 16-403-164(1) and 16-403-174(1); and

(3) Damage as specified in WAC 16-403-164(2) and 16-403-174(2).

NEW SECTION

WAC 16-403-084 Washington fancy standards for green or yellow varieties. In addition to meeting the general standards under WAC 16-403-034, green or yellow variety fancy apples must be free from damage as specified in WAC 16-403-164(2) and 16-403-174(2).

NEW SECTION

WAC 16-403-094 Washington C grade standards for green or yellow varieties. The requirements for Washington C grade green or yellow variety apples include the conditions for Washington fancy grade apples under WAC 16-403-054. In addition, apples of this grade must be free from excessive damage caused by russeting as defined under the

definitions of "damage by russeting," in WAC 16-403-164(2) under the following conditions:

(1) The aggregate area of an apple which is covered by smooth net-like russeting may not exceed twenty-five percent.

(2) The aggregate area of an apple which is covered by smooth solid russeting may not exceed ten percent except as follows:

(a) The aggregate area for Newtown, Granny Smith or similar varieties which is covered with smooth solid russeting may not exceed twenty percent; and

(b) The aggregate area of an apple which is covered with excessively rough or bark-like russeting or limb rubs may not exceed the area of a circle three-fourths inch in diameter.

(3) There is no requirement in this grade pertaining to invisible water core.

NEW SECTION

WAC 16-403-104 Combination grades and gift grade. Combination grades apply to all varieties of apples except red or partial red varieties which may only be packed in the combination extra fancy and fancy grade. Gift grade applies to a combination of apples and pears.

(1) Combination extra fancy and fancy. When extra fancy and fancy apples are packed together, the containers must be marked "Washington combination extra fancy and fancy" and must contain at least eighty percent extra fancy apples, except that Newtown variety combinations must contain at least fifty percent extra fancy apples.

(2) Combination extra fancy, fancy and C grade. When extra fancy, fancy and C grade apples are packed together, the containers must be marked "Washington combination extra fancy, fancy and C grade" and must contain at least eighty percent extra fancy apples, except that Newtown variety combinations must contain at least fifty percent extra fancy apples.

(3) Combination fancy and C grade. When fancy and C grade apples are packed together, the containers must be marked "Washington combination fancy and C grade" but must contain at least eighty percent fancy apples, except that Newtown variety combinations must contain at least fifty percent fancy apples.

(4) Gift grade. Gift grade consists of mixed varieties of apples and pears. Apples must be Washington extra fancy grade under WAC 16-403-044 and 16-403-064. Pears must be U.S. No. 1 or higher grade under WAC 16-442-020 and 16-442-030.

(a) Containers must be marked "gift grade" or with the individual variety and grade that applies to each commodity;

(b) Containers must be marked with the net contents by weight or count; and

(c) Containers must be marked with business name and address of the packer or shipper.

NEW SECTION

WAC 16-403-114 Standards, packing and labeling for culls. (1) Apples which are not graded in conformity with any of the grade standards in this chapter and which contain no more than five percent serious insect damage may be designated as "culls."

(2) Culls must be packed and labeled as specified in RCW 15.17.080.

NEW SECTION

WAC 16-403-124 Other brands and grades. The director may approve and register a private grade or brand of apple. The private grade or brand may not be lower than the second grade or classification established under chapter 15.17 RCW or under this chapter.

NEW SECTION

WAC 16-403-134 Soluble solids and shipping dates for Red Delicious, Delicious and Golden Delicious. (1) Red Delicious and Delicious varieties may not be shipped prior to October 1st of the current growing season unless they have at least eleven percent soluble solids as determined by refractometer.

(2) Golden Delicious varieties may not be shipped prior to September 20th of the current growing season unless they have at least ten and one-half percent soluble solids as determined by refractometer.

NEW SECTION

WAC 16-403-144 Firmness at time of shipping standards for Red Delicious, Delicious, Golden Delicious, Gala, and Jonagold. At time of shipment the following firmness standards must be met:

(1) Red Delicious and Delicious varieties must pressure test at least twelve pounds. However, apples failing to pressure test twelve pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test twelve pounds or more.

(2) Golden Delicious variety must pressure test at least ten pounds. However, apples failing to pressure test ten pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test ten pounds or more.

(3) Gala and Jonagold varieties must pressure test at least eleven pounds.

NEW SECTION

WAC 16-403-154 Starch-iodine requirement for the Granny Smith variety. Granny Smith variety may not be shipped prior to October 10th unless ninety percent or more of any lot of apples meets the stage of maturity as indicated by starch-iodine rating of 1.2 using a starch-iodine rating scale from Cascade Analytical, Inc. or any equivalent rating scale applicable to the Granny Smith variety.

NEW SECTION

WAC 16-403-164 Defects—Injury, damage and serious damage. (1) "Injury" means any specific defect defined in this section, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which more than slightly detracts from the appearance or the edible or shipping quality of the apple. The following specific defects are considered as injury:

(a) Russetting.

(i) Russetting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface is not considered in determining whether or not an apple is injured by russetting.

(ii) Smooth net-like russetting when an aggregate area of more than ten percent of the surface is covered for red, partial red and blushed varieties and five percent of the surface for green and yellow varieties, and when the color of the russetting shows no very pronounced contrast with the background color of the apple.

(iii) Lesser amounts of more conspicuous net-like russetting when the appearance is affected to a greater extent than the above amount permitted is considered injury.

(iv) Smooth solid russetting when the aggregate area in the green and yellow varieties exceeds more than one-quarter inch in diameter and in the red and partial red varieties when the aggregate area exceeds three-eighths inch in diameter is also considered as injury.

(b) Sunburn or sprayburn, when the discolored area does not blend into the normal color of the fruit.

(c) Dark brown or black limb rubs which affect an aggregate area of more than one-quarter inch in diameter for red, partial red or blushed varieties and one-eighth inch for green or yellow varieties. However, light brown limb rubs of a russet character are considered injury by russetting under definition in (a) of this subsection.

(d) Hail marks, drought spots, other similar depressions or scars:

(i) When the skin is broken, whether healed or unhealed;

(ii) When there is appreciable discoloration of the surface;

(iii) When any surface indentation exceeds one-sixteenth inch in depth;

(iv) When any surface indentation exceeds one-eighth inch in diameter; or

(v) When the aggregate affected area of such spots exceeds one-half inch in diameter for red, partial red and blushed varieties or one-quarter inch for green or yellow varieties.

(e) Disease:

(i) Cedar rust infection which affects an aggregate area of more than three-sixteenths inch in diameter.

(ii) Sooty blotch or fly speck which is thinly scattered over more than five percent of the surface, or dark, heavily concentrated areas which affect an area of more than one-quarter inch in diameter.

(iii) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-quarter inch in diameter.

(f) Insects:

(i) Any healed sting or healed stings which affect an aggregate area of more than one-eighth inch in diameter including any encircling discolored rings.

(ii) Worm holes.

(g) Stem cavity or calyx basin cracks.

(i) Which more than slightly detract from the appearance or the edible or shipping quality of the apple;

(ii) Are not well healed; or

(iii) Are well healed which exceed an aggregate length of one-eighth inch.

(2) "Damage" means any specific defect defined in this subsection or an equally objectionable variation of any one of these defects, any other defect or any combination of defects which materially detracts from the appearance or the edible or shipping quality of the apple. The following specific defects are considered damage:

(a) Russetting. Russetting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface is not considered in determining whether or not an apple is damaged by russetting: Provided, that excessively rough or bark-like russetting in the stem cavity or calyx basin are considered damage when the appearance of the apple is materially affected. The following types and amounts of russetting outside of the stem cavity or calyx basin are considered damage:

(i) Russetting which is excessively rough or rough on green and yellow varieties.

(ii) Smooth net-like russetting when an aggregate area of more than fifteen percent of the surface is covered and the color of the russetting shows no very pronounced contrast with the background color of the apple;

(iii) Smooth solid russetting when an aggregate area of more than five percent of the surface is covered and the pattern and color of the russetting shows no very pronounced contrast with the background color of the apple;

(iv) Lesser amounts of smooth net-like or smooth solid russetting when more conspicuous and the appearance is affected to a greater extent than the amount permitted in this section;

(v) Slightly rough russetting which covers an aggregate area of more than one-half inch in diameter; or

(vi) Rough russetting in the red and partial red varieties which covers an aggregate area of more than one-quarter inch in diameter.

(b) Sunburn or sprayburn which has caused blistering or cracking of the skin or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russetting under the definition in (a) of this subsection.

(c) Limb rubs which affect an aggregate area of more than one-half inch in diameter. However, light brown limb rubs of a russet

character are considered damage by russeting under the definition in (a) of this subsection.

(d) Hail marks, drought spots, other similar depressions or scars when:

- (i) Any unhealed mark is present;
- (ii) Any surface indentation exceeds one-eighth inch in depth;
- (iii) The skin has not been broken and the aggregate affected area exceeds one-half inch in diameter; or
- (iv) The skin has been broken and well healed and the aggregate area exceeds one-quarter inch in diameter.

(e) Stem cavity or calyx basin cracks which are not well healed or well healed stem cavity or calyx basin cracks which exceed an aggregate length of one-quarter inch.

(f) Disease:

- (i) Scab spots which affect an aggregate area of more than one-quarter inch in diameter;
- (ii) Cedar rust infection which affects an aggregate area of more than one-quarter inch in diameter;
- (iii) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated areas which affect an area of more than one-half inch in diameter;
- (iv) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter;
- (v) Bitter pit or Jonathan spot when one or more spots affects the surface of the apple.

(g) Insects:

- (i) Any healed sting or healed stings which affect an aggregate area of more than three-sixteenths inch in diameter including any encircling discolored rings; or
- (ii) Worm holes.

(3) "Serious damage" means any specific defect defined in this subsection or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance or the edible or shipping quality of the apple. The following specific defects are considered as serious damage:

(a) Russeting. The following types and amounts of russeting are considered as serious damage:

- (i) Smooth solid russeting, when more than one-half of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin; or
- (ii) Slightly rough, excessively rough or bark-like russeting which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted in (a)(i) of this subsection.

(b) Sunburn or sprayburn which seriously detracts from the appearance of the fruit.

(c) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(d) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate. However; no hail marks which are unhealed are permitted and not more than an aggregate area of one-half inch is allowed for well healed hail marks where the skin has been broken.

(e) Stem or calyx cracks which are not well healed or well healed stem or calyx cracks which exceed an aggregate length of one-half inch.

(f) Visible water core which affects an area of more than one-half inch in diameter.

(g) Disease:

(i) Scab spots which affect a total area of more than three-fourths inch in diameter;

(ii) Cedar rust infection which affects a total area of more than three-fourths inch in diameter;

(iii) Sooty blotch or fly speck which affects more than one-third of the surface;

(iv) Red skin spots which affect more than one-third of the surface;

(v) Bitter pit or Jonathan spot which is thinly scattered over more than one-tenth of the surface and does not materially deform or disfigure the fruit.

(h) Insects:

(i) Healed stings which affect an aggregate area of more than one-quarter inch in diameter including any encircling discolored rings; or

(ii) Worm holes.

NEW SECTION

WAC 16-403-174 Bruises—Injury, damage and serious damage. The standard for bruises under the categories of injury, damage or serious damage is as follows:

(1) Injury consists of bruises which are not slight and incident to proper handling and packing, and which are greater than:

(a) One-eighth inch in depth;

(b) Five-eighths inch in diameter; or

(c) Any combination of lesser bruises which detract from the appearance or edible quality of the apple to an extent greater than any one bruise described in (a) or (b) of this subsection.

(2) Damage consists of bruises which are not slight and incident to proper handling and packing, and which are greater than:

(a) Three-sixteenths inch in depth;

(b) Seven-eighths inch in diameter; or

(c) Any combination of lesser bruises which detract from the appearance or edible quality of the apple to an extent greater than any one bruise described in (a) or (b) of this subsection.

(3) Serious damage consists of bruises which are not slight and incident to proper handling and packing, and which are greater than:

(a) Three-eighths inch in depth;

(b) One and one-eighth inch in diameter; or

(c) Any combination of lesser bruises which detract from the appearance or edible quality of the apple to an extent greater than any one bruise described in (a) or (b) of this subsection.

NEW SECTION

WAC 16-403-184 Invisible water core. Invisible water core will be considered as "damage" when existing around the core and extending to water core in the vascular bundles, or surrounding the vascular bundles when the affected areas surrounding three or more vascular bundles meet or coalesce, or existing in more than a slight degree outside the circular area formed by the vascular bundles: Provided, that invisible water core shall not be scored as damage against the Fuji variety of apples under any circumstances.

AMENDATORY SECTION (Amending WSR 06-12-117, filed 6/7/06, effective 7/8/06)

WAC 16-403-190 Tolerances. In order to allow for variations incident to proper grading, sizing and ~~((handling))~~ firmness in each of the foregoing grades, the following tolerances are provided as specified:

(1) Defects: Washington extra fancy, Washington fancy and Washington C grade.

Ten percent of the apples in any lot may fail to meet the requirements of the grade, but not more than ~~((one-half of this amount, or 5))~~ five percent ~~((7))~~ shall be allowed for apples which are seriously damaged, including therein not more than one percent for apples affected by decay or internal breakdown.

(2) Combination grades. When applying the foregoing tolerances to combination grades, no part of any tolerance ~~((shall))~~ may be allowed to reduce, for the lot as a whole, the percent of apples of the higher grade required in the combination.

Combinations requiring ~~((80))~~ eighty percent of the higher grade for the lot shall not have ~~((not))~~ less than ~~((65))~~ sixty-five percent of the higher grade in individual samples.

Combinations requiring ~~((50))~~ fifty percent of the higher grade for the lot shall not have ~~((not))~~ less than ~~((40))~~ forty percent of the higher grade in individual samples.

(3) Size. When size is designated by the numerical count for a container, not more than ~~((5))~~ five percent of the apples in the lot may vary more than ~~((1/2))~~ one-half inch in diameter. When size is designated by minimum or maximum diameter or weight, not more than ~~((5))~~ five percent of the apples in any lot may be smaller than the designated minimum and not more than ~~((10))~~ ten percent may be larger than the designated maximum.

(4) Firmness. Not more than ten percent of the apples in any lot of Red Delicious, Delicious, Golden Delicious, Jonagold, and Gala varieties ~~((shall))~~ may fail to meet the firmness requirements as defined in WAC ~~((16-403-142))~~ 16-403-144.

AMENDATORY SECTION (Amending WSR 06-12-117, filed 6/7/06, effective 7/8/06)

WAC 16-403-195 Application of tolerances. The contents of individual samples in the lot((~~7~~)) are subject to the following limitations: Provided, that the averages for the entire lot are within the tolerances specified for the grade in WAC 16-403-190.

(1) Packages which contain more than ((~~10~~)) ten pounds((~~+ Samples shall~~)) may not have ((~~not~~)) more than one and one-half times a specified tolerance of ((~~10~~)) ten percent or more ((~~and not~~)) or more than double a tolerance of less than ((~~10~~)) ten percent, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any sample.

(2) Packages which contain ((~~10~~)) ten pounds or less((~~+ No packages~~)) may have no more than three times the tolerance specified, except that at least three defective apples may be permitted in any package: Provided, that not more than three apples or more than ((~~18~~)) eighteen percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.

AMENDATORY SECTION (Amending WSR 92-15-056, filed 7/13/92, effective 8/13/92)

WAC 16-403-200 Calculation of percentages. ((~~+1~~)) When the numerical count is marked on the container, or when containers are packed to weigh ten pounds or less, or in any container where the minimum diameter of the smallest apple does not vary more than one-half inch from the minimum diameter of the largest apple, percentages shall be calculated on the basis of count((-

~~(2) When the minimum diameter and/or minimum weight of individual apples, or minimum and maximum diameters and/or weights of individual apples are marked on a container or when the apples are jumbled in a container or in bulk)). In all other cases, percentages shall be calculated on the basis of weight ((or an equivalent basis)).~~

AMENDATORY SECTION (Amending WSR 06-12-117, filed 6/7/06, effective 7/8/06)

WAC 16-403-215 Packing requirements. Tolerances. In order to allow for variations incident to proper packing, not more than ten percent of the containers in any lot may fail to meet the following requirements:

(1) Apples tray packed or cell packed in cartons shall be arranged according to approved and recognized methods. Packs shall be at least fairly tight((^a)) or fairly well filled((^b)).

(2) Closed cartons containing apples not tray or cell packed shall be fairly well filled(^b) or the pack shall be sufficiently tight to prevent any appreciable movement of the apples.

(3) Apples on the shown face of any container shall be reasonably representative in size, color and quality of the contents.

~~((4) Tolerances: In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may fail to meet these requirements.~~

~~a_ "Fairly tight" means that apples are of the proper size for molds or cell compartments in which they are packed and that molds or cells are filled in such a way that no more than slight movement of apples within molds or cells is possible.~~

~~b_ "Fairly well filled" means that the net weight of apples in containers ranging from 2,100 to 2,900 cubic inch capacity is not less than 38 pounds for Jonathan, McIntosh and Golden Delicious varieties and not less than 40 pounds for all other varieties.))~~

AMENDATORY SECTION (Amending WSR 06-12-117, filed 6/7/06, effective 7/8/06)

WAC 16-403-220 Marking requirements—Open or closed containers.

(1) Individual destination states or countries may have specific requirements for letter heights and placement of markings.

(2) All required markings must be displayed together on the principal display panel of the containers.

(3) All required markings must be a minimum of one-quarter inch in height for a principal display panel of one hundred to four hundred square inches. Markings on consumer-type packages must be at least one-quarter inch in height.

(4) Containers must have the following markings:

(a) The ~~((containers shall bear the))~~ correct name of the variety or when more than one variety or commodity is in the container, each variety and commodity must be shown(~~(₇)~~);

(b) The name and address of the grower, packer, or distributor(~~(₇ and his address₇)~~);

(c) The grade(~~(₇)~~);

(d) The net contents either in terms of dry measure or weight; and

(e) The numerical count or the minimum diameter of apples packed in a closed container(~~(₇ and the net contents either in terms of dry measure or weight. The minimum weight of individual apples within the container may be stated in lieu of, in combination with, or in addition to, minimum diameter as a declaration of size. All open containers and consumer packages must bear statement of net weight or volume.~~

~~(a))~~. All open containers and consumer packages must bear a statement of net weight or volume. Over-wrapped consumer units may be marked with count, if all specimens can be counted.

(i) When containers are marked as to number of apples in the container, each container contains the correct number of apples designated by the markings.

(ii) When the numerical count is not shown, the minimum diameter or minimum weight of individual apples shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, or whole inches and not less than ~~((eight))~~ eighth inch fractions thereof or in terms of whole grams.

~~((b))~~ (iii) The minimum weight of individual apples within the container may only be stated in combination with the minimum diameter as a declaration of size for Red Delicious and Golden Delicious. All other varieties and sizes may only have a minimum diameter or minimum weight designated.

(iv) When used in combination with minimum diameter as a size designation, the following minimum fruit weights shall be used:

Red Delicious		Golden Delicious	
2 1/8 in. ((#)) and 65	grams	<u>2 1/8 in. and 63</u>	grams
2 1/4 in. ((#)) and 75	grams	<u>2 1/4 in. and 70</u>	grams
2 3/8 in. ((#)) and 84	grams	<u>2 3/8 in. and 82</u>	grams
2 1/2 in. ((#)) and 100	grams	<u>2 1/2 in. and 95</u>	grams
2 5/8 in. ((#)) and 115	grams	<u>2 5/8 in. and 109</u>	grams
2 3/4 in. ((#)) and 139	grams	<u>2 3/4 in. and 134</u>	grams

~~((e))~~ (v) The word "minimum," or its abbreviation, when following a diameter size or weight size marking, means that the apples are of the size marked or larger.

~~((2) Over wrapped consumer units may be marked with count, if all specimens can be counted.~~

~~(3) Any of these marks may be placed on either the end or side of the container. (California requires end markings.)~~

~~(4) When containers are marked as to number, each container shall contain the correct number of apples designated by the markings.~~

~~(5) Grade markings on consumer type packages must be at least one-fourth inch in height.~~

~~(6))~~ (f) Apples which were produced outside of the state of Washington and which are graded, packed, or repacked in the state of Washington, shall be correctly labeled as to the state or country of origin, e.g., "Product of Oregon," "Grown in Oregon," "Produced in Canada."

~~((Such marking shall be placed on the same end or side panel of the container as other markings related to grade, variety, net contents, and name and address of the grower, packer, or distributor, and shall be of similar print size.))~~ (g) Consumer type packages ~~((shall))~~ are not ~~((be))~~ required to bear a statement as to origin when such marking has been placed on the master shipping ~~((container.~~

~~(7) Containers shall be marked with the harvest year beginning on October 1 of each year and be applied only to apples harvested in the previous year; that this marking shall occur at the time of shipment; and be displayed on the principal display panel with letters of a minimum of one-half inch in height))~~ container's principal display panel.

NEW SECTION

WAC 16-403-224 Crop year designation. Apples from the previous year's crop that are packed and shipped on or after October 1st must be marked with the crop year on each carton or shipping container at

the time of shipment. The markings must be displayed on the principal display panel with letters of a minimum of one-half inch in height.

NEW SECTION

WAC 16-403-234 Condition after storage or transit. At the shipping point all defects are considered quality factors at the time of packing: Provided, that if the apples have been in storage for more than seven days after packing, factors listed as condition in the *USDA Apples Shipping Point and Market Inspection Instructions* handbook dated March 2005 are scored as condition factors, and: Provided further, that decay, brown surface discoloration or any other deterioration which may have developed on apples after they have been in storage or transit are considered as affecting condition and not the grade.

AMENDATORY SECTION (Amending WSR 03-24-007, filed 11/20/03, effective 12/21/03)

WAC 16-403-280 Adoption of United States standards as state standards. ~~((In addition to the standards for apples prescribed in WAC 16-403-140 through 16-403-275, there are hereby adopted, as additional standards of the state of Washington for apples,))~~ Except as otherwise modified in this chapter and under this section, WSDA adopts the United States standards for grades of apples, 7 C.F.R. Part 51, Subpart "United States Standards for Grades of Apples" (effective December 19, 2002), ((adopted by the United States Department of Agriculture, as they)) as the standards apply to U.S. extra fancy, U.S. fancy, U.S. No. 1 and U.S. No. 1 hail, ((provided,)) subject to and including the following requirements.

(1) The color requirements specified for U.S. No. 1 and U.S. No. 1 hail must be a good shade of red color ((and the));

(2) The percentage of color required for U.S. No. 1 and U.S. No. 1 hail for Delicious ((shall)) must be ((25)) twenty-five percent a good shade of red color ((and provided further, that all the));

(3) The United States grades as applied to Red Delicious, Delicious, Golden Delicious, Gala, and Jonagold varieties ((shall)) must meet the firmness requirements of WAC ((16-403-142)) 16-403-144; and

(4) The United States grades as applied to the Granny Smith variety must meet the starch-iodine requirements of WAC 16-403-154.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-403-140	Washington state standards for apples.
WAC 16-403-141	Red Delicious, Delicious, Golden Delicious—Minimum soluble solids.

WAC 16-403-142	Red Delicious, Delicious, Golden Delicious, Gala, and Jonagold—Minimum firmness.
WAC 16-403-143	Granny Smith—Starch-iodine requirements.
WAC 16-403-155	Color requirements.
WAC 16-403-175	Green or yellow varieties—Color requirements.
WAC 16-403-205	Condition after storage or transit.
WAC 16-403-225	Other brands and grades.
WAC 16-403-230	Well formed.
WAC 16-403-235	Fairly well formed.
WAC 16-403-240	Diameter or fruit weight.
WAC 16-403-245	Mature.
WAC 16-403-250	Overripe.
WAC 16-403-260	Clean.
WAC 16-403-265	Injury.
WAC 16-403-270	Damage.
WAC 16-403-275	Serious damage.
WAC 16-403-285	Spots showing diameters in fractions of an inch.
WAC 16-403-290	Damage by invisible watercore.
WAC 16-403-295	Inspector's guide for apple bruises at shipping point and market.